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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RIGHTHAVEN LLC, a Nevada limited-
liability company,

Plaintiff,

v.

MICHAEL EASTON, an individual; and
PUGET SOUND RADIO, an entity of
unknown origin and nature,

Defendants.

Case No.: 2:10-cv-01673

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

Righthaven LLC (“Righthaven”) complains as follows against Michael Easton (“Mr. Easton”) and Puget Sound Radio (collectively with Mr. Easton known herein as the “Defendants”) on information and belief:

NATURE OF ACTION

1. This is an action for copyright infringement pursuant to 17 U.S.C. § 501.

PARTIES

2. Righthaven is, and has been at all times relevant to this lawsuit, a Nevada limited-liability company with its principal place of business in Nevada.

3. Righthaven is, and has been at all times relevant to this lawsuit, in good standing with the Nevada Secretary of State.

4. Puget Sound Radio is, and has been at all times relevant to this lawsuit, identified by the current registrar, Tucows Inc. (“Tucows”), as the registrant of the Internet domain found at <pugetsoundradio.com> (the “Domain”).

5. Mr. Easton is, and has been at all times relevant to this lawsuit, identified by Tucows as the administrative contact for the Domain.

6. Mr. Easton is, and has been at all times relevant to this lawsuit, identified by the content accessible through the Domain (said content accessible through the Domain known herein as the “Website”) as the “Owner” of Puget Sound Radio.

7. Puget Sound Radio is, and has been at all times relevant to this lawsuit, an entity of unknown origin and nature.

8. Attempts to find evidence of formal organizational status in the respective Secretary of State offices of Delaware, California, Illinois, New York, Texas, Tennessee, Nevada, and Washington demonstrate that, at least with respect to these states, Puget Sound Radio is not a formally organized business entity.

JURISDICTION

9. This Court has original subject matter jurisdiction over this copyright infringement action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

10. Righthaven is the owner of the copyright in the literary work entitled: “AM talk station expands to FM band” (the “Work”), attached hereto as Exhibit 1.

11. At all times relevant to this lawsuit, the Work has depicted and depicts the original source publication as the *Las Vegas Review-Journal*.

1 12. The Defendants willfully copied, on an unauthorized basis, the Work from a
2 source emanating from Nevada.

3 13. On or about August 3, 2010, the Defendants displayed, and continue to display,
4 an unauthorized copy of the Work (the "Infringement"), attached hereto as Exhibit 2, on the
5 Website.

6 14. At all times relevant to this lawsuit, the Infringement has depicted and depicts the
7 original source publication as the Las Vegas *Review-Journal*.

8 15. The subject matter, at least in part, of the Work and the Infringement, is the
9 discontinuation of a Las Vegas, Nevada radio station.

10 16. At all times relevant to this lawsuit, the Defendants knew that the Work was
11 originally published in the Las Vegas *Review-Journal*.

12 17. At all times relevant to this lawsuit, the Defendants knew that the Infringement
13 was and is of specific interest to Nevada residents.

14 18. The Defendants' display of the Infringement was and is purposefully directed at
15 Nevada residents.

16 19. The Defendants knew, or reasonably should have known, that websites, such as
17 the Website, are and were at all times relevant to this lawsuit, the habitual subject of postings by
18 others of copyright-infringing content.

19 20. At all times relevant to this lawsuit, the Defendants did not institute any proactive
20 policy of precluding, or attempting to preclude, the postings by others of copyright-infringing
21 content on the Website.

22 21. At all times relevant to this lawsuit, the Defendants did not institute any proactive
23 policy of monitoring, or attempting to monitor, the postings by others of copyright-infringing
24 content on the Website.

25 22. At all times relevant to this lawsuit, the Defendants did not institute any proactive
26 policy of deleting, or attempting to delete, the postings by others of copyright-infringing content
27 on the Website.

1 23. At all times relevant to this lawsuit, the Defendants' failure to institute any
2 proactive policies intended to address the postings by others of copyright-infringing content on
3 the Website constituted and constitutes the Defendants' willful blindness to copyright
4 infringements occurring on the Website.

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7 **VENUE**

8 24. The United States District Court for the District of Nevada is an appropriate
9 venue, pursuant to 28 U.S.C. § 1391(b)(2), because a substantial part of the events giving rise to
10 the claim for relief are situated in Nevada.

11 25. The United States District Court for the District of Nevada is an appropriate
12 venue, pursuant to 28 U.S.C. § 1400 (a), because the Defendants are subject to personal
13 jurisdiction in Nevada.

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16 **FACTS**

17 26. The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C. §
18 102(a)(1).

19 27. Righthaven is the owner of the copyright in and to the Work.

20 28. The Work was originally published on or about August 2, 2010.

21 29. On September 22, 2010, the United States Copyright Office (the "USCO")
22 received Righthaven's official submittal for the registration to the Work, including the
23 application, the deposit copy, and the registration fee (the "Complete Application"), Service
24 Request No. 1-490418073, and attached hereto as Exhibit 3 is the official USCO application
25 submittal for the Work depicting the occurrence of the Complete Application.

26 30. On or about August 3, 2010, the Defendants displayed, and continue to display,
27 the Infringement on the Website.
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1 31. The Defendants did not seek permission, in any manner, to reproduce, display, or
2 otherwise exploit the Work.

3 32. The Defendants were not granted permission, in any manner, to reproduce,
4 display, or otherwise exploit the Work.

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7 **CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

8 33. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through
9 32 above.

10 34. Righthaven holds the exclusive right to reproduce the Work, pursuant to 17
11 U.S.C. § 106(1).

12 35. Righthaven holds the exclusive right to prepare derivative works based upon the
13 Work, pursuant to 17 U.S.C. § 106(2).

14 36. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to
15 17 U.S.C. § 106(3).

16 37. Righthaven holds the exclusive right to publicly display the Work, pursuant to 17
17 U.S.C. § 106(5).

18 38. The Defendants reproduced the Work in derogation of Righthaven's exclusive
19 rights under 17 U.S.C. § 106(1).

20 39. The Defendants created an unauthorized derivative of the Work in derogation of
21 Righthaven's exclusive rights under 17 U.S.C. § 106(2).

22 40. The Defendants distributed, and continue to distribute, an unauthorized
23 reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under
24 17 U.S.C. § 106(3).

25 41. The Defendants publicly displayed, and continue to publicly display, an
26 unauthorized reproduction of the Work on the Website, in derogation of Righthaven's exclusive
27 rights under 17 U.S.C. § 106(5).

28 42. Mr. Easton has willfully engaged in the copyright infringement of the Work.

1 43. Puget Sound Radio has willfully engaged in the copyright infringement of the
2 Work.

3 44. The Defendants' acts as alleged herein, and the ongoing direct results of those
4 acts, have caused and will continue to cause irreparable harm to Righthaven in an amount
5 Righthaven cannot ascertain, leaving Righthaven with no adequate remedy at law.

6 45. Unless the Defendants are preliminarily and permanently enjoined from further
7 infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus
8 entitled to preliminary and permanent injunctive relief against further infringement by the
9 Defendants of the Work, pursuant to 17 U.S.C. § 502.

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12 **PRAYER FOR RELIEF**

13 Righthaven requests that this Court grant Righthaven's claim for relief herein as follows:

14 1. Preliminarily and permanently enjoin and restrain the Defendants, and the
15 Defendants' officers, agents, servants, employees, attorneys, parents, subsidiaries, related
16 companies, partners, and all persons acting for, by, with, through, or under the Defendants, from
17 directly or indirectly infringing the Work by reproducing the Work, preparing derivative works
18 based on the Work, distributing the Work to the public, and/or displaying the Work, or ordering,
19 directing, participating in, or assisting in any such activity;

20 2. Direct the Defendants to preserve, retain, and deliver to Righthaven in hard copies
21 or electronic copies:

22 a. All evidence and documentation relating in any way to the Defendants'
23 use of the Work, in any form, including, without limitation, all such evidence and
24 documentation relating to the Website;

25 b. All evidence and documentation relating to the names and addresses
26 (whether electronic mail addresses or otherwise) of any person with whom the
27 Defendants have communicated regarding the Defendants' use of the Work; and
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1 c. All financial evidence and documentation relating to the Defendants' use
2 of the Work;

3 3. Direct Tucows, and any successor domain name registrar for the Domain, to lock
4 the Domain and transfer control of the Domain to Righthaven;

5 4. Award Righthaven statutory damages for the willful infringement of the Work,
6 pursuant to 17 U.S.C. § 504(c);

7 5. Award Righthaven costs, disbursements, and attorneys' fees incurred by
8 Righthaven in bringing this action, pursuant to 17 U.S.C. § 505;

9 6. Award Righthaven pre- and post-judgment interest in accordance with applicable
10 law; and

11 7. Grant Righthaven such other relief as this Court deems appropriate.
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15 **DEMAND FOR JURY TRIAL**

16 Righthaven requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil
17 Procedure.

18 Dated this twenty-seventh day of September, 2010.
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20 RIGHTHAVEN LLC

21
22 By: /s/ J. Charles Coons
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